Document 33

Filed 03/03/2008

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Case 3:07-cv-06045-SC

R. MICHAEL UNDERHILL hereby declares as follows:

- 1. I am the Attorney in Charge of the Department of Justice, Torts Branch, Civil Division, West Coast Office, and one of the attorneys for the United States in this matter. I make this Declaration based upon personal knowledge or upon information officially furnished to me.
- 2. Attached hereto as Exhibit "A" is the Affidavit of Service of Process of the Verified Complaint and the summons to defendant Regal Stone Limited, by and through Kevin Michael Kennedy, said service of process effected pursuant to Fed.R.Civ.P. 4(h)(1) and E(1).

I verify under penalty of perjury, in accordance with 28 U.S.C. § 1746, that the foregoing is true and correct.

DATED: March 3, 2008.

MICHAEL UNDERHILL

Date Plurchased: November 30, 20 Date Flids: COUNTY ATTORNEY(S): R. MICHAEL UNDERHILL ESQ.: U.S. DEPARTMENT OF JUSTICE - CIVIL DIVISION Ph: 415-436-6648 ADDRESS: 450 GOLDEN GATE AVENUE SAN FRANCISCO CA 941023463 File No.: **UNITED STATES FAMERICA** **MINON COSCO BUSAN, LR/IMO Ship No. 9231743, her engines, apparel, electronics, tackle, boats* **appurtenances, etc., in rem, et al., **Detendanticy/heopandentics, appurtenances, etc., in rem, etc., in rem, etc., in rem, etc			AFFIDAVIT OF SERVICE	Index #:CV 07 6045
ATTORNEY(S): R. MICHAEL UNDERHILL ESQ.: U.S. DEPARTMENT OF JUSTICE - CIVIL DIVISION PH: 415-436-6648 ADDRESS: 450 GOLDEN GATE AVENUE SAN FRANCISCO CA 34(02-3463 File No.) ***********************************	UNITED ST	ATES DISTRICT COURT N	ORTHERN DISTRICT OF CALIFORNIA	Date Purchased: November 30, 20 Date Filed:
ATTORNEY(S): R. MICHAEL UNDERHILL ESQ. ; U.S. DEPARTMENT OF JUSTICE - CIVIL DIVISION PH: 415-436-6648 ADDRESS: 450 GOLDEN GATE AVERUE SAN REANCISCO CA 94102-3463 File No.: WITED STATES OF AMERICA, **S** M/V COSCO BUSAN, LR/IMO Ship No. 9231743, her engines, apparel, electronics, tackle, boats, **spurreleances, etc., in rem, et al., **Definitions*(S)/Repinitions*(S) **spurreleances, etc., in rem, et al., **Definitions*(S)/Repinitions*(S) **STATE OF NEW YORK, COUNTY OF NASSAU SS.: **HARRY TORRES** **JERISS** **JERISS*	COUNTY			
M/V COSCO BUSAN, LR/IMO Ship No. 9231743, her engines, apparel, electronics, tackle, boats, appurtenances, etc., in rem, et al., STATE OF NEW YORK, COUNTY OF NASSAU HARRY TORRES of age and resides in New York State. On February 19, 2008 at 12:25 PM at 145 E. 16th Street Agt 133 New York, New York 10003 deponent served the within Summors In A Civil Case, Complaint and Attached Documents with Index Number CV 07 6045 on: Kevin Michael Kennedy with Index Number CV 07 6045 on: Revin Michael Kennedy All INDVIDUAL By delivering a true copy of each to said recipient personality; deponent innew the person served to be the person served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation. Service was made in the following manner after your deponent was unable, with the diligence, to serve the wittens/defendant in person, and an attempt to locate the defendant's place of employment. AS SUITABLE By delivering a true copy of each to the door of said premises, which is recipient's: [] develling house (picce of abode) within the state. NS MALL COPY OF Exhaury 21, 2008 A SUITABLE By delivering a true copy of each to the door of said premises, which is recipient's: [] develling house (picce of abode) within the state. SIX IXI SUITABLE By delivering a true copy of each to the door of said premises, which is recipient's: [] develling house (picce of abode) within the state. Summors In A Civil Case, Complaint and Attached Documents to the above address in a 1st Class postpaid properly addressed evelopee mater devirenced and into the preson and control properly addressed evelopee mater devirenced and into the preson of suitable age and discretion, having called the react on the 15 day of February, 2008 at 8,149 PM and the preson of said premises in a 1st Class on the 15 day of February, 2008 at 8,149 PM and the preson of said premises in a 1st Class on the 15 day of February, 2008 at 8,149 PM and the preson of the Defendant, or other person served			-	IVISION PH: 415-436-6648
M/V COSCO BUSAN, LR/IMO Ship No. 9231743, her engines, apparel, electronics, tackle, boats, appurtenances, etc., in rem, et al., STATE OF NEW YORK, COUNTY OF NASSAU SS.: HARRY TORRES , being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On February 19, 2008 at 12:25 PM at 145 E. Lifeth Street Apt 183 New York, New York 10003 , deponent served the within Summons In A Civil Case, Complaint and Attached Documents with Index Number CV 07 6045 , and Date Purchased November 30, 2007 endorsed thereon, therein named. Hindrich Rennedy Williams on the Person served to be the person described as said person therein. #2 CORPORATION By delivering to and leaving with so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation. **SPICHABLE** **SPICHABLE** **BY SUITABLE** **BY SUITABLE** **BY delivering a true copy of each to "JOHN DOE" - CONCIENCE** **BY SUITABLE** **BY delivering a true copy of each to "JOHN DOE" - CONCIENCE** **BY SUITABLE** **BY APPINIONS** **BY APPINIO			•	DI- S-MEE(S) (D) MM (
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at 145 E. 16th Street Apt 183 New York, New York 10003 , deponent served the within Summons In A Civil Case, Complaint and Attached Documents with Index Number	of age and re			ent is not a party herein, is over 10 years
Summons In A Civil Case, Complaint and Attached Documents with Index Number	•	•		- depends conved the within
with Index Number CV 07 604S , and Date Purchased November 30, 2007 endorsed thereon, on: Kevin Michael Kennedy , therein named. # IINDIVIDUAL By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein. #2 CORPORATION By delivering to and leaving with				, deponent served the within
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BARBARANA. SHURGIN HARRY TORRES	mm			
BARBARANA. SHURGIN HARRY TORRES	Sworn to befo	re me on this <u>21</u> day of	February, 2008	457
	BARBARA	MA. SHURGIN		HARRY TORRES

NOTARY PUBLIC, State of New York No. 30-5004737, Qualified in Nassau County Commission Expires November 23, 2010

Server's Lic # 0915257

Invoice•Work Order # 0806671

	RETURN OF SERVICE
Şervi	ice of the Summons and Complaint was made by me 1 DATE Feb. 19, 2008 12:25 pm
l	ce of the Summons and Complaint was made by me 1 F SERVER (PRINT) HAYPY Torres TITLE Frocess Server Lich. 0915257 Sk one box below to indicate appropriate method of service
 	Served personally upon the defendant. Place where served: Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: Building Concience.
	Returned unexecuted:
図	Other (specify) "John Doe" refused to give his name: "John Doe" is authorized to accept service and he did.
	STATEMENT OF SERVICE FEES
TRAVEL	SERVICES TOTAL \$0.00
	DECLARATION OF SERVER
	I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct. Executed on Feb. 21, 2008 Signature di Server 265 Post Auce Westwert 11590 Address of Server

(RETURN TO COURT)

RETURN OF SERVICE

Defendant, Kevin Michael Kennedy	
the Building Concierge "John Voe" by giving him/her a true copy of the order directing service of proce	
by giving him/her a true copy of the order directing service of proce	ss,
the complaint, and the Special Appointment Order. The following	
documents were also served on the above-named defendant:	
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service is true and correct.	
DATE SERVED: Feb. 19, 2008	
By:	
(United States Marshal or Special Appointee)	
As defendant in this action, I hereby acknowledge receipt of service	of
process on my own behalf.	
Defendant's Signature Defendant's Printed Name	
	-
Defendant's Signature Defendant's Printed Name	
Defendant's Signature Defendant's Printed Name II. I hereby acknowledge that service of process <u>cannot</u> <u>be</u> <u>executed</u> upon	
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